

**CITY OF PARK RAPIDS
CITY COUNCIL MEETING
JULY 14, 2015, 6:00 PM
Park Rapids Public Library-Lower Level
Park Rapids, Minnesota**

1. CALL TO ORDER: The July 14th, 2015 Regular Meeting of the Park Rapids City Council was called to order at 6:14 p.m. by Mayor Pat Mikesh, and everyone present recited the Pledge of Allegiance.

2. ROLL CALL: Present: Mayor Pat Mikesh, Councilmembers Dave Konshok, Rod Nordberg, Erika Randall, and Paul Utke. Absent: None. Staff Present: Administrator John McKinney, Treasurer Angela Brumbaugh, Planner Ryan Mathisrud, Public Facilities Manager Chris Fieldsend, Liquor Store Manager Scott Olson, Police Chief Terry Eilers, and Clerk Margie Vik. Others Present: Sue Tomte, Nicole Lalum, Cynthia Jones, Mike Monsrud, Dick Rutherford, and Kevin Cederstrom from the Enterprise.

3. APPROVAL OF AGENDA: A motion was made by Utke, seconded by Randall, and unanimously carried to approve the agenda with the following changes: a new resolution for #6.15 was presented, and for Item #6.23 the word lease was replaced with the word license.

4. APPROVAL OF MINUTES:

4.1. City Council Regular Meeting Minutes-June 23, 2015: A motion was made by Utke, seconded by Randall, and unanimously carried to approve the June 23rd, 2015 City Council Regular Meeting minutes as presented.

5. FINANCE:

5.1. Payables & Prepaids: A motion was made by Konshok, seconded by Randall, and unanimously carried to approve the payables in the amount of \$93,762.99, and the prepaids in the amount of \$912,103.90, for a total of \$1,005,866.89.

6. CONSENT AGENDA: A motion was made by Randall, seconded by Nordberg, and unanimously carried to approve the following consent agenda items:

- 6.1. Resolution #2015-97 Approve Wage Adjustment for Full Time Rapids Spirits Lead Liquor Store Clerk Robyn Capistrant.**

- 6.2. **Resolution #2015-98 Approve Wage Adjustment and Step Increase for Part Time Rapids Spirits Liquor Store Clerk Dallon Free.**
- 6.3. **Resolution #2015-99 Approve Wage Adjustment and Step Increase for Part Time Rapids Spirits Liquor Store Clerk Roger Hunter.**
- 6.4. **Resolution #2015-100 Approve Wage Adjustment and Step Increase for Part Time Rapids Spirits Liquor Store Clerk Joyce Mikesh.**
- 6.5. **Resolution #2015-101 Approve Wage Adjustment and Step Increase for Part Time Rapids Spirits Liquor Store Clerk Jeffrey Olesen.**
- 6.6. **Resolution #2015-102 Approve Step Increase and Wage Adjustment for Full Time Accounting Clerk/Receptionist Janel Stewart.**
- 6.7. **Resolution #2015-103 Approving Wage Adjustment and Step Increase for Facility Maintenance Superintendent Chris Fieldsend.**
- 6.8. **Resolution #2015-104 Approving Wage Adjustment and Step Increase for Park Rapids Police Officer Robert Gilmore.**
- 6.9. **Resolution #2015-105 Approving Wage Adjustment and Step Increase for Park Rapids Police Officer Joseph Rittgers.**
- 6.10. **Resolution #2015-106 Approving Wage Adjustment and Step Increase for Park Rapids Police Officer Adam Suckow.**
- 6.11. **Resolution #2015-107 Appointing Cassandra Thelen to the Position of Volunteer Firefighter for the City of Park Rapids.**
- 6.12. **Approve Outdoor Concert/Dance Permit for American Legion Post 212 on Friday, August 7th, 2015, from 8:00 p.m. to 12:30 a.m. at 900 First Street East.**
- 6.13. **Approve Outdoor Concert/Dance Permit for American Legion Post 212 on Friday and Saturday, August 14th and 15th, 2015, from 8:00 p.m. to 12:30 a.m. at 900 First Street East.**

- 6.14. Approve Public Facilities Use Permit for Rachel Sayler and Jeff Lovin for a Wedding Ceremony at Deane Park, 19382 Eagle Pointe Trail, on Saturday, August 1st, 2015, from 9:00 a.m. to 5:00 p.m.**
- 6.15. Approve Public Facilities Use Permit for the Park Rapids Chamber of Commerce for the Legends and Logging Days Water Wars, to Close Block Two of Main Avenue South, on Thursday, August 6th, 2015, from 5:00 p.m. to 7:00 p.m.**
- 6.16. Approve Public Facilities Use Permit for Edward Smith to Close Franklin Avenue, between King Street and the Alley, for a Family Reunion on Saturday, August 15th, 2015, from 11:00 a.m. to 5:00 p.m.**
- 6.17. Resolution #2015-108 Approve Temporary On-Sale Liquor License for the Park Rapids Lakes Area Chamber of Commerce in the City of Park Rapids.**
- 6.18. Resolution #2015-109 Consent by the City of Park Rapids to a Merger of Charter Communications.**
- 6.19. Resolution #2015-110 Permitting the Destruction of Aged Documents as Determined by Adopted Minnesota General Records Retention Schedule.**
- 6.20. Approve the One-Time Use of the Portable Stage by Shell Prairie Fair Board for their Talent Show on July 15th, 2015. Transportation of the Stage shall be the Responsibility of the Fair Board.**
- 6.21. Resolution #2015-111 Authorization to Execute United States Department of Agriculture General Services Administration Public Buildings Service Lease Amendment No. 5 to Lease No. GS-27-057.**
- 6.22. Approve a Refund in the Amount of \$2,000.00 for the Park Rapids Eagles Aerie 870, for an On-Sale/Sunday Liquor License Fee, for the time period of 3-1-15 to 2-28-16, at 1107 First Street East.**
- 6.23. Resolution #2015-112 Authorizing Proper City Officials to Execute the License Agreement for a Garage Encroachment at 503 Bridge Street East, PID #32.52.64000, by and between the Property Owner and the City of Park Rapids.**

- 6.24. Approve the Recommendation from the Members of the Park Rapids Relief Association to Withhold a Total of \$71.00 from each Firefighter's Check per Quarter and Send the Proceeds to the Park Rapids Relief Association to be Deposited in a Separate Checking Account for Retirement.
- 6.25. Approve Pay Request in the Amount of \$6,540.98 to Apex Engineering Group for Services Pertaining to the Fire Hall Expansion Project.
- 6.26. Approve Pay Request in the Amount of \$8,891.30 to Apex Engineering Group for Services Pertaining to the Wellhead Protection Plan.
- 6.27. Approve Pay Request in the Amount of \$87,425.77 to Apex Engineering Group for Services Pertaining to the Riverside Area-Phase One Project.
- 6.28. Approve Pay Request in the Amount of \$8,745.35 to Interstate Power Systems for Emergency Transmission Repairs for the 2012 Fire Truck.
- 6.29. Resolution #2015-113 Authorizing Proper City Officials to Execute the "Statement of Work" by and between Trillion Aviation LLC and the City of Park Rapids.
- 6.30. Approve Change Order #1 for the Increased Amount of \$4,500.00 for the Riverside Area-Phase One Project for More Barricades and Warning Signs.
- 6.31. Resolution #2015-114 Approve Minnesota Lawful Gambling LG220 Application for Exempt Permit for the Antique Tractor & Engine Club for September 23, 2015.
- 6.32. Resolution #2015-115 Approve Minnesota Lawful Gambling LG220 Application for Exempt Permit for the Antique Tractor & Engine Club for August 7, 2016.

END OF CONSENT AGENDA

7. COMMENTS FROM CITIZENS: There were no comments.

8. PLANNING:

8.1. Ordinance Regulating Subsurface Sewage Treatment Systems:

Ryan Mathisrud stated this is an ordinance regulating subsurface sewage treatment systems. The city has always regulated subsurface systems. In February of 2014, Hubbard County updated their septic system ordinance. They did it to comply with the new Minnesota Pollution Control Agency (MPCA) regulations. As part of that the MPCA gives the option to city to regulate subsurface treatment systems. We received a letter in September saying we would like to see your updated ordinance that is compliant with the standards and is as restrictive as the Hubbard County ordinance. Our task was to develop a new ordinance that did that. The letter also stated if we don't update our ordinance, Hubbard County would begin to administer their ordinance within the city limits. Staff felt that it would be beneficial to the city to do our own septic system regulations that we can coordinate enforcement activities to make sure everything makes sense with regards to the CIP. We don't want to make someone upgrade a system when sewer and water would be available that same year. We wanted more control over that. We originally discussed adopting the Hubbard County ordinance by reference, however speaking with the city attorney there may have been some enforcement or legal issues doing that so we thought it best to adopt our own ordinance.

Mathisrud stated the provisions in this ordinance are almost identical to the county ordinance. It's no more restrictive than theirs, it's simply adapted to the city. Basically it follows all of our processes and procedures. Our current ordinance is about three and a half pages. It's simply, but it's spread throughout the code. This new ordinance is intended to be comprehensive. It answers a lot of other questions that tend to come up. I'm proposing to remove our existing sections of code and replacing it with the presented ordinance.

Mathisrud stated in this ordinance there is a number of key things that you should be aware of. We have submitted this to the state for review. If a system is failing to protect groundwater quality it's required that it be upgraded within twelve months. If the system is an imminent threat to public health it must be discontinued from use. There are some licensing requirements for those that work with septic systems. All SSTS work must be performed by appropriate licensed businesses or persons. Systems no longer in use have to be properly abandoned. There are new technical standards over new systems. There's a procedure put in place for variances and system permitting. There's a provision for providing space for two drain fields, one for specifying requirements for holding tanks, and a prohibition for discharging sewage to the ground surface. There are additional regulations for septic systems in flood plains. It requires a management plan for all new systems and replacement systems, a management plan for type 4 and 5 systems, and requires maintenance for all systems that don't have a management plan. There's a provision to resolve soil delineation disputes between contractors and the city. This could happen when they are classifying soils and they have some differences of opinion on the different types of soils. There's a provision on who provides repairs to an SSTS system. There's a provision that allows reduced soil separation distance. That's when you have not enough soil between the ground water and the surface.

Mathisrud stated we reviewed this ordinance at the Planning Commission meeting. We also reviewed making it more restrictive by adding some other provisions. The

Planning Commission did feel that this would be appropriate at this time. They have forwarded a unanimous recommendation to approve this ordinance.

Randall questioned what was said about a point of sale (POS) provision being added to this ordinance. Mathisrud stated I gave a presentation on this ordinance and also a cursory discussion on the benefits of doing a point of sale provision. That is where when people go to make a real estate transaction it would trigger an inspection of the septic system, which many people already do as part of their due-diligence. If the septic system is failing it would require that the system be repaired or upgraded to be performing and compliant. Many counties do that already and it is a way to make sure these systems become compliant and protect groundwater quality. At this time the Planning Commission recommended approving this one and not adding that provision. However, the presentation I gave on that was not complete.

Sue Tomte questioned what percentage of residents have a septic system? Mathisrud stated staff estimates that we have about one-hundred systems in the city limits. We've undergone a number of annexations over the years and have brought in more systems through the annexation process. I suspect that is why these provisions are handed down to the cities to update due to these annexations. Now we're duplicating some of the work that the county does.

Konshok questioned on the POS it was just unfamiliarity on the Planning Commission's part? Utke stated I sit on the Planning Commission and I was the one who spoke against it. I think that's not something that we should be doing. There are already provisions in here that if they have a failing system it has to be updated in twelve months if it's known. There are disclosures at the sale of a residential property. I did not want to see one more thing that we are inspecting on a private sale.

Randall stated there's disclosures but people cannot know what's truly going on. The buyer, because of lack of knowledge or understanding, can choose not to get a septic system that's non-compliant. Now we just turned this house over to another owner that's going to live there for the next thirty years having no knowledge. The goal of this is to protect the groundwater, our environment. Now we just turned it over to someone who has a failing system that can go on for years and years. Failing. Affecting our groundwater when we had the opportunity to resolve it. I think that with the limited amount of systems that we have in the city, with the goal being to protect the environment, I think the POS should be included.

Nordberg questioned does the county have a POS requirement? Randall stated they choose not to do it as well, against the advice of their attorneys. Utke stated if the buyer is concerned about the quality of a septic system, they have the option to have it inspected before they buy it. Randall stated they do have the option, but you can have someone say I'm going to save \$175.00 at the expense of our groundwater. They're saving their money for the rest of us to clean up the big mess later on. Konshok stated it depends on whether you consider it a private or public issue. Utke stated I would say if we force a POS inspection, it should be free. Konshok stated I don't think so. Groundwater has been an issue for us. We have new wells. We have annexed areas that are coming in that are conflicted about hooking up to our water and sewer. The prime reason why you have a water/sewer system is to prevent groundwater contamination issues. Randall stated we want real estate transactions, so it's on the buyer to pay for it so they'll back out, and the real estate transaction just falls apart. The way its set up now, I think some

counties require the seller to pay for it because the seller should know what they are selling. I think that sellers should have a little more responsibility with a real estate transaction than they do. It shouldn't be free. It's about the environment and it's about protecting yourself. Everything about protecting yourself is not free, like insurance for example.

Konshok questioned what do the surrounding cities do? Mathisrud stated that's information that I don't have at this time. Mikesh stated my folks just listed their house in Becker County. It's mandatory to have it inspected. Randall stated I just bought a house and I paid \$175.00 to have it inspected. A \$175.00 to protect the environment?

Nordberg questioned has a plumber looked at the proposed code? Mathisrud stated not a plumber, but we did have Al Winterberger, the city's contracted septic inspector review this. He thought it looked fine. Nordberg stated I wonder what plumbers think of it as opposed to what they have been doing. Mathisrud stated one comment I did have is that they wanted consistency between the counties that they work in. Having an ordinance that's similar to surrounding counties is going to be a benefit. Nordberg questioned is Hubbard County consistent with other counties? Do they follow the standard proposed by the state? Mathisrud stated as I understand they have a hybrid code. They actually choose a less restrictive ordinance than the state recommends. Many counties adopted the ordinance that the state recommends. I'll try not to misrepresent what they have, but I understand that it's less restrictive than some counties. Nordberg questioned are we identical to the county? Mathisrud stated this proposed ordinance would be nearly identical to Hubbard County's ordinance. With the POS, that would be more restrictive and would more closely reflect that of other counties. Randall stated and of the recommendation of the state. Nordberg questioned and that's permitted to be more restrictive, but not less restrictive? Mathisrud stated our ordinance is permitted to be more restrictive, just no less restrictive. This ordinance is similar to the county's.

Nordberg stated it does call for a Board of Adjustment appointed by the city. Do we have such a board now? This would have to be created? Mathisrud stated no we do not have to create a new board. Our Board of Adjustment is the City Council. Some communities have a separate Board of Adjustment, but for Park Rapids, it's the City Council. The proceedings would go through the Planning Commission first, and then the City Council.

Konshok questioned what is your time requirement for when we have to get this passed? Mathisrud stated as soon as possible. It was February 4th, but I asked for an extension. Konshok stated we should move forward with the amendment as presented, but I'd like to see the POS. With all the other things we are doing with our groundwater and to not do this? Randall stated I think the state is going to require it in the future with the way it's going. Why is it okay to sit back and think everything is fine and we let people ignore their septic systems. I think if we can resolve a major issue for under \$200.00 on one real estate transaction. It could cause headaches, but it could cause much more trouble for so many more people if we have failing systems. People that are coming in from a metro area, retiring up here, they all have this, generally speaking.

Mikesh stated we can make a motion on this, and we can always revisit it. Konshok stated we can amend it later and explore the other issue separately. I'd like to see information on the cities that surround us, and what their status is.

A. First Reading of Ordinance Adopting to the Park Rapids City Code of Ordinances; of the City of Park Rapids, Chapter 153, Subsurface Sewage Treatment Systems, Sections 153.001 to 153.038: A motion was made by Nordberg, seconded by Utke, to acknowledge the first reading of the Ordinance Adopting to the Park Rapids City Code of Ordinances; of the City of Park Rapids, Chapter 153, Subsurface Sewage Treatment Systems, Sections 153.001 to 153.038.

The vote was called.

The following Councilmembers voted in favor: Konshok, Mikesh, Nordberg, Utke.

The following Councilmember voted nay: Randall.

The motion carried 4-1.

B. First Reading of Ordinance *Publication Summary* Adopting to the Park Rapids City Code of Ordinances; of the City of Park Rapids, Chapter 153, Subsurface Sewage Treatment Systems, Sections 153.001 to 153.038: A motion was made by Nordberg, seconded by Utke, to acknowledge the first reading of the Ordinance *Publication Summary* Adopting to the Park Rapids City Code of Ordinances; of the City of Park Rapids, Chapter 153, Subsurface Sewage Treatment Systems, Sections 153.001 to 153.038.

The vote was called.

The following Councilmembers voted in favor: Konshok, Mikesh, Nordberg, Utke.

The following Councilmember voted nay: Randall.

The motion carried 4-1.

C. First Reading of Ordinance Amending the City Code of Ordinances of the City of Park Rapids to Repeal Sections 50.27, 151.104, 151.130, 151.131, 151.132, 151.133: A motion was made by Nordberg, seconded by Utke, to acknowledge the first reading of the Ordinance Amending the City Code of Ordinances of the City of Park Rapids to Repeal Sections 50.27, 151.104, 151.130, 151.131, 151.132, 151.133.

The vote was called.

The following Councilmembers voted in favor: Konshok, Mikesh, Nordberg, Utke.

The following Councilmember voted nay: Randall.

The motion carried 4-1.

9. CITY ADMINISTRATOR UPDATE: McKinney stated the Riverside Area-Phase One Project is going very well. We are still more than three weeks ahead of schedule. Mikesh questioned they are coming back tomorrow to dig in another line. Did we miss one over by the old school? Mathisrud stated they may have requested adding an additional service line there. They have some remodeling plans at that location.

10. DEPARTMENT HEAD UPDATES: Konshok stated on the building permit report, all the remodeling is great, and there's only one single family permit. There are several residential houses going up in the Kaywood Two Addition. Mathisrud stated we had two permitted earlier this year in Kaywood, and one more just this week. Some could have been permitted late last year.

Mikesh asked how is the public works building going? Fieldsend stated we have an architect coming up with plans to repair the issues. We're hoping to get dollar amounts by the next meeting.

11. MINUTES/REPORTS/INFORMATION: There were no comments.

12. COMMENTS FROM COUNCIL: Nordberg stated its July 14th, so I have to wish Happy Best Deal Day to all those that love freedom.

13. ADJOURNMENT: A motion was made by Randall, seconded by Utke, and unanimously carried to adjourn the meeting at 6:40 p.m.

[seal]

Mayor Pat Mikesh

ATTEST:

Margie M. Vik
City Clerk